

***Draft* MEETING MINUTES**  
**CITY OF MILPITAS**

**Minutes of:** **Joint Meeting of Milpitas City Council and Successor Agency of the former Redevelopment Agency**

**Date:** **Tuesday, October 7, 2014**

**Time:** **6:00 PM Closed Session / 7:00 PM Open**

**Location:** **Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas**

## CALL TO ORDER

Mayor Esteves called the meeting to order at 6:00 PM. The City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Polanski, Councilmembers Giordano and Montano

**ABSENT:** Councilmember Gomez was absent at roll call and arrived soon thereafter for the Closed Session meeting.

## CLOSED SESSION

City Council convened in Closed Session to discuss labor negotiations and other matters.

City Council then convened in Open Session at 7:01 PM.

## ANNOUNCEMENT

None out of Closed Session.

## PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

## INVOCATION

Councilmember Montano offered a prayer to start the meeting.

## MEETING MINUTES

Motion: to approve the minutes of the September 16, 2014 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

## SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedules of Meetings for October 2014

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

## PRESENTATIONS

Mayor Esteves proclaimed *National Hispanic Heritage Month* for September 15 – October 15, 2014. The proclamation was accepted by Ofelia Gomez of Ballet Folklorico Milpitas.

Next, the Mayor and Council considered the recommendation from staff to approve the continuation of the existing Sister City relationship with the City of Dagupan.

**Motion:** to approve the Sister Cities Memorandum of Understanding with City of Dagupan in The Philippines for the next five year period, 2014 - 2019

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

Visitors including elected officials (Mayor and Councilors) from Dagupan exchanged greetings and gifts with Mayor Esteves and the City Council. Sister Cities Commissioners were also present for the signing of the MOU, followed by a reception in the City Hall lobby. The Mayor reconvened the City Council for the business meeting at 8:27 PM.

## **PUBLIC FORUM**

**Alexandria Felson** of San Jose invited all Councilmembers to participate on Thursday morning, November 27 for the 10<sup>th</sup> Annual Silicon Valley Turkey Trot on Thanksgiving Day. The event raises funds for five non-profit organizations in Santa Clara County. **Vince Passanisi** encouraged participation in the Mayor's Cup challenge, and he thanked Councilmembers Giordano and Gomez for participating last year.

**Evan Knapp** of Integral Communities in Newport Beach, CA, requested the City Council call for the scheduling of Tentative Tract Maps for approval at public hearings for two development projects his company is planning in Milpitas: Centre Point and the District 1. He felt there was a stalemate or quagmire over the last two years on this issue.

**Arminta Jensen** from an engineering firm in Gilroy that served as consulting engineers for Integral. She consulted for the Integral projects here in Milpitas and stated that all maps conform to the legal requirements for the projects.

**Dave Lanferman**, attorney with Ruttan & Tucker in Palo Alto, said his client was Integral Communities for the Centre Point and The District 1 developments. He discussed submission of the tract maps and asked for a study session or public hearing for review and vote for approval.

**Robert Marini**, Milpitas resident, commented about the drought and plan for 2,000 more housing units in the Transit Area.

**Joann Brion** an economist with her own firm in the Bay Area, was asked by Integral Communities to quantify revenues to the City from four development projects underway. \$7.6 million in revenue to all taxing entities was projected. \$5.3 million was the potential loss to the City if there was a further two-year delay in project map approval.

**Rob Means**, 1421 Yellowstone Ave resident, spoke on the "Move to Amend" effort to bring a new amendment of the US Constitution, seeking support from elected representatives. He asked City Councilmembers to respond to a letter they had received.

**Voltaire Montemayor**, Milpitas resident, was in favor of projects and noted the need for more water in the future.

The Mayor and City Councilmembers expressed various reactions to comments by those associated with Integral.

Councilmember Gomez made a motion to request the Integral projects be brought for a study session at the next City Council meeting, identify issues at a standstill, and have the City Council give policy direction to staff. Councilmember Montano seconded the motion.

Councilmember Giordano stated she would vote no for a study session on this because it should go through the usual process. She did not see the value of a study session.

Mayor Esteves commented that staff had do all that was necessary to prepare the map, and maybe by the second meeting in November that would be possible. So, Councilmber Gomez amended his motion to have a study session on the first Council meeting in November (the 4<sup>th</sup>).

The motion was approved by a vote of 4 AYES and 1 NO (Giordano).

## **ANNOUNCEMENT**

City Clerk announced there was a drop-off ballot box available for those participating in the November 4 election with Vote-By-Mail ballots issued by the County Registrar of Voters. No postage was needed to drop ballots in the box located at City Hall on the third floor and another one was available at Milpitas Library.

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST  
AND CAMPAIGN  
CONTRIBUTIONS**

City Attorney Ogaz asked City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. No conflicts or contributions were reported.

**APPROVAL OF AGENDA**

Motion: to approve the agenda, as amended

City Manager Tom Williams said staff requested to remove Item No. 9 (out of state travel request) from the agenda.

Motion/Second: Councilmember Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

**CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as presented

Motion/Second: Councilmember Giordano/Vice Mayor Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

**\* 1. Odor Update report**

Received the odor report update.

**\* 4. Waive Additional Fees for  
St. Elizabeth Catholic Church**

Per the request from St. Elizabeth Catholic Church, approved an additional amount of fees waived of \$500.89 for the Parish Festival held on Sunday, August 24, 2014.

**\* 5. Commission Appointments**

Per recommendation of the Mayor, approved the following:

Arts Commission: re-appointed Becky Strauss as a regular member to a term that will expire in October 2017.

Bicycle Pedestrian Advisory Commission: re-appointed Chris Lee as a regular member to a term that will expire in August 2017.

Community Advisory Commission: appointed Jacqueline Holland as a regular voting member to a term that will expire in January 2018.

Appointed Dau Do as Alternate No. 1 to a term that will expire in January 2015.

Appointed Ashish Kathapurkar as Alternate No. 2 to a term to expire in January 2015.

Appointed Ashok Sharma as Alternate No. 3 to a term that will expire in January 2015.

Newly appointed Miguel "Mike" Bilbao as Alternate No. 4 to a term that will expire in January 2016.

Emergency Preparedness Commission: newly appointed Roger Silveira as the Milpitas Unified School District representative to a term that will expire in June 2017.

Recycling and Source Reduction Advisory Commission: re-appointed Chris Salian as a regular member to a term that will expire in October 2017.

Sister Cities Commission: re-appointed Peter Chang as Alternate No. 1 to a term that will expire in September 2016.

Youth Advisory Commission: appointed Crystal Tran (formerly Alternate No. 4) as a voting member to a term that will expire in September 2015.

**\* 6. MOU with Tsukuba, Japan**

Approved the updated Memorandum of Understanding continuing the Sister City relationship with Tsukuba City, Japan for five years beginning October 7, 2014.

- \* 7. Waive Fees – Rotary Club      Per request from Milpitas Rotary Club, approved the fee waiver for Planning (\$375.44), Fire (\$523.77), and Building (\$199.88) fees totaling \$1,099.09 related to the Pumpkin Patch scheduled October 18-30, 2014.
  
- \* 8. Exempt Fees for Junior Giants program      Approved the exemption of the Junior Giants Police Activities League Program from the Youth Sport User Fee.
  
- \* 9. Out of State Travel      Item was removed from the agenda.
  
- \*10. Resolution      Adopted Resolution No. 8412 granting initial acceptance of Street Resurfacing Project 2013 Projects No. 4255, No. 4261, No. 4268 and No. 3403, subject to a one-year warranty period and reduction of the faithful performance bond to \$174,056; and granting authorization to the City Engineer to file the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
  
- \*11. Amendment with Burke Williams & Sorenson      Approved assignment of the appeal in the case of Milpitas Mobile Home Estates v. City of Milpitas to the law firm of Burke Williams & Sorensen LLP and approved a contract amendment for services with that firm adding additional \$30,000 to handle the appeal.
  
- \*12. Amendment to Hatch Mott McDonald agreement      Approved Amendment No. 1 to the agreement with Hatch Mott MacDonald in the additional amount of \$143,110 for Land Development Engineering services.
  
- \*13. Amendment to Hydro Science Engineers      1. Approved Amendment No. 1 to the agreement with HydroScience Engineers, Inc. in an amount not to exceed \$30,000 and extend the term from December 30, 2014 to July 31, 2015.  
2. Approved a budget appropriation of \$30,000 to the Engineering Operating Budget, to be reimbursed by South Bay Water Recycling.
  
- \*14. Agreement with RMC Water and Environment      1. Approved a consultant agreement with RMC Water and Environment, Inc. for Utility Engineering support for a not-to-exceed amount of \$27,734 for a term from October 7, 2014 to June 30, 2015.  
2. Approved a budget appropriation of \$27,734 from the Water and Sewer Funds.
  
- \*15. Agreement with SCS Engineers      Approved a consultant agreement with SCS Engineers in the amount of \$250,000 and for a term from October 7, 2014 to October 31, 2017, for on-call environmental engineering and testing services for various capital improvement projects.
  
- \*16. Report of Response to Water Supply Reduction      1. Received a report of emergency response to water supply reduction, including installation of recycled water fill stations for construction.  
2. Approved a budget appropriation from the Water Fund and authorize staff to pay invoices totaling \$47,275.71.

## **UNFINISHED BUSINESS**

- 2. Update on Strategic Planning Process      City Manager Tom Williams welcomed Dr. Shawn Spano to the podium, consultant for the City's Strategic Planning effort over the last year. His focus was on Phase II of the process, regarding Vision, Mission and Values, which involved engagement with the community, employee engagement teams and senior management.  
  
Councilmember Giordano asked, if during the community survey, if a cultural or performing arts center was an item that was brought up and Dr. Spano replied yes.  
  
Vice Mayor Polanski said it was nice to see the plan effort working, and she was looking forward to what comes in Phase IV and V.  
  
Councilmember Montano inquired asked about costs and the timing of the phases to be completed. Dr. Spano identified some of the specific costs for Phases I and II. Ms. Montano mentioned needs for a skate part, history museum, and a performing/cultural arts

center as items citizens wanted, which she did not read in his report.

Mayor Esteves said he did not notice the business sector or any engagement with that group. Dr. Spano explained that he talked to Chamber of Commerce and its member businesses. The Mayor also inquired about inclusion of various ethnic communities.

The City Council voted unanimously to note receipt of the report.

### 3. Update on McCandless Property

City Manager Tom Williams gave the history of the relationship between the City and School District regarding the McCandless property, soon to be purchased by the school district from the City with intent for a new school and shared park facility on the site.

Mayor Esteves commented on some misinformation that had occurred within the city in the past on this topic regarding ownership of the land. Property value of the land as appraised was identified.

The City Manager reported that the City Council would consider the agreement for the purchase and sale for the joint use (including soccer and other multi-purpose uses) of 1.2 acres on McCandless Drive on October 21, the next City Council meeting date.

The Mayor invited comment from those in the audience.

Robert Marini, Milpitas resident, questioned actions around this topic and felt there was a conflict of interest.

The City Council voted unanimously to note receipt of the report.

## JOINT MEETING WITH SUCCESSOR AGENCY

### Call to Order

Mayor/Chair Esteves called the joint meeting to order at 10:17 PM and all members were present.

### Approve Agenda and Consent Calendar

Motion: approve the joint meeting agenda, including one matter on consent

Motion/Second: Councilmember Gomez/Vice Mayor Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

### \*SA3.

Adopted Joint Resolution No. 8413 / SA4 of the City Council and of the Successor Agency of the former Redevelopment Agency approving execution and implementation of a Bond Expenditure Agreement, related to \$3,989,878 unspent bond proceeds to be applied to the Main Street Pavement Reconstruction Project in the 2014-19 Capital Improvement Program.

## ADJOURNMENT

Mayor Esteves adjourned the joint City Council meeting at 10:18 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*